THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5155 of 2007

Date: 15.03.2007

Between:

Smt K.Uma Kumari.

....Petitioner

And

The Sub-Registrar, Gopalapatnam, Visakhapatnam District.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5155 of 2007

O R D E R:

Petitioner states that she purchased an extent of 94.44 square yards of land in Survey No.176 of Vepagunta Village and Panchayat, Pendurthy Mandal, Visakhapatnam, under a registered sale deed, and is in possession and enjoyment of the same. It is stated that she intended to sell the said land and in that process, approached the respondent with a request to furnish the basic value of the property, to enable her to compute the stamp duty. The grievance of the petitioner is that the respondent is not acceding to her request, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the respondent to refuse registration had disappeared, he cannot refuse to take steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioner approaches him.

Hence, the Writ Petition is disposed of, directing the respondent to furnish the necessary information and process the documents that may be presented by the petitioner; and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

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15.03.2007

Note: Issue C.C. in three days.

(B/o)

JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77